UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

NOEL ROMERO DOYE,)	
Plaintiff,)	
v.)	Case No. CV408-174
JASON COLVIN, Sheriff's Deputy,)	
CAPTAIN BRUCE DUNCAN, Assistant Administrator,)	
LIEUTENANT LISA BOYD; and)	
DOUG FRANKS, Jail Administrator,)	
Defendants.)	
Detenuants.	,	

ORDER

Civil rights plaintiff Noel Romero Doye moves for the issuance of a subpoena duces tecum requiring defendants "to bring to trial and/or the pre-trial conference copies of the witness statements of every inmate witness who wrote of" the facts alleged in the complaint. (Doc. 139.) Additionally, he seeks "the surveillance video footage that captured the onslaught as it unfolded from beginning to end on the same said morning of incident." (Id.) The motion is **DENIED**. As the Court already advised Doye, "[t]he issuance of subpoenas to incarcerated litigants is prohibited in this district. In re Subpoenas, MC496-6, doc. 1 (S.D. Ga. Jan. 16, 1996)

(standing order); see Sterling v. Gaines, No. CV603-008, doc. 21 (S.D. Ga. Sep. 8, 2003)." (Doc. 47 at 2.) Also, defendants assert that they do not possess any inmate witness statements or surveillance video footage. (Doc. 140.) As they correctly point out, they cannot be compelled to produce evidence that does not exist.

SO ORDERED this $\frac{12^{74}}{2}$ day of July, 2011.

UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA